

State of New Hampshire

HOUSE RECORD

First Year of the 156th Session of the General Court

Calendar and Journal of the 1999 Session

Vol. 21 Concord N.H. Friday, December 10, 1999 No. 98

Contains: Public Hearings, Supreme Court Opinion on HB 536, Work Sessions and Notices

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet in session on Wednesday, January 5, and Thursday, January 6 at 10:00 a.m.

I am sure you all join in me congratulating and welcoming our newest members. Bill Kelley of Raymond and Jay Rosenfield of New London won special elections this week. I look forward to working with them both.

Congratulations to Representative Joe Kenney and his wife, Asha, on the birth of their first child, Christian Edward, on December 6, 1999. Best wishes to them all.

The Supreme Court has issued an opinion in response to a request of the House concerning the constitutionality of HB 536. That opinion is printed in this calendar.

The Rules Committee will hold a public hearing on Wednesday, December 22 at 1:00 p.m. on proposed deadlines for the 2000 session and other changes to the rules. (These will be printed in next week's calendar.) Please plan on attending our annual holiday reception on the same day at 3:00 p.m.

Chairmen and Vice Chairmen will meet at 11:00 a.m. on Wednesday, December 22, in Room 201 LOB

Donna Sytek, Speaker

NOTICE

House Calendar schedule for December:

CLOSES: TO BE MAILED:

Noon Thursday, December 16 Friday, December 17

Noon **Wednesday**, December 29 Thursday, December 30

Please Note: There will be **NO CALENDAR** the week of December 20-24.

Karen O. Wadsworth
Clerk of the House

NOTICE

DEADLINES FOR FILING THE YEAR 2000 BILLS

SEPTEMBER 7 - Tuesday	First day that requests for drafting of bills for introduction in the second-year session may be filed with the Office of Legislative Services.
OCTOBER 7 - Thursday	Last day to file bill drafting requests.
NOVEMBER 1 - Monday	Last day to report all re-referred bills from the first-year session.
NOVEMBER 10 - Wednesday	Last day to file legislation relating to subject matter of study committees.
NOVEMBER 22 - Monday	Last day to sign off all bills requiring fiscal notes (FNs) and study committee bills. Sign-off shall be 10 calendar days after receipt by the sponsor of the draft legislation, or November 22, whichever day is earlier.
DECEMBER 6 - Monday	Last day to sign off all other bills. Sign-off shall be 10 calendar days after receipt by the sponsor of the draft legislation, or December 6, whichever day is earlier.
DECEMBER 21 - Tuesday	Availability of chairmen's copies of all bills and resolutions.

STATE OF NEW HAMPSHIRE
THE SUPREME COURT

Request of the House
No. 99-346

OPINION OF THE JUSTICES
(Municipal Tax Exemptions for Electric Utility Personal
Property)

December 7, 1999

The following resolution No. 12, requesting an opinion of the justices, was adopted by the house of representatives on June 9, 1999, and filed with the supreme court on June 10, 1999:

"Whereas, there is presently pending before the House of Representatives HB 536, as amended by document number 1999-1063h, authorizing municipalities to exempt from the local property tax personal property employed in the generation and

production of electric power; and

"Whereas, section 2 of HB 536 as amended provides that the governing body of a town or city may make the determination to exempt from local property taxation so much of the equipment for the generation and production of electric power and for such a term of years as the governing body determines will attract new construction of electric generation facilities, retain existing electric generation facilities, or foster economic development; and

"Whereas, section 2 of HB 536 as amended further provides that the determination, including but not limited to the fair market value of the equipment exempted, the term of the exemption, any agreement for payment of taxes, and/or any agreement for payment in lieu of taxes, shall be subject to approval of the legislative body of the municipality; and

"Whereas, legislation proposing new tax exemptions should be scrutinized to determine its constitutionality; now, therefore, be it

"Resolved by the House of Representatives:

"That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Do the provisions of HB 536 as amended, which exempt from local property taxes so much of the equipment for the generation and production of electric power and for such a term of years as may be determined by the municipality, violate constitutional requirements of uniformity and equality governing the assessment and collection of property taxes and the constitutional prohibition against authorizing gifts to corporations organized for profit, as provided by part II, article 5 of the New Hampshire constitution?
2. Do the provisions of HB 536 as amended, which exempt from local property taxes so much of the equipment for the generation and production of electric power and for such a term of years as may be determined by the municipality, violate the constitutional provision that government is instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men under part I, article 10 of the New Hampshire constitution?
3. Is the classification of taxable property provided for in HB 536 as amended based on a reasonable distinction which promotes a proper object of public welfare and does not require any taxpayer to pay more than his or her fair share of the tax burden as required by part I, article 12 of the New Hampshire constitution?

"That the clerk of the House of Representatives transmit copies of this resolution and copies of HB 536, as amended by document number 1999-1063h, to the justices of the New Hampshire supreme court."

The following response is respectfully returned:

To the Honorable House:

The undersigned justices of the supreme court now submit the following replies to your questions of June 9, 1999. Following our receipt of your questions, we invited interested parties to file memoranda with the court on or before August 16, 1999.

HB 536, as amended, proposes to amend RSA 72:8 (1991 & Supp. 1999) by inserting a paragraph heading "I" in front of the current provision and adding a new subdivision so that the statute reads as follows:

72:8 Electric Plants and Pipe Lines.

I. All structures, machinery, dynamos, apparatus, poles, wires, fixtures of all kinds and descriptions, and pipe lines employed in the generation, production, supply, distribution, transmission, or transportation of electric power or natural gas, crude petroleum and refined petroleum products or combinations thereof, shall be taxed as real estate in the town in which said property or any part of it is situated; provided that no electric power fixtures which would otherwise be taxed under this section shall be taxed under this section if they are employed solely as an emergency source of electric power.

II.(a) A governing body of a municipality may exempt from taxation under this section any portion of the personal property employed in the generation and production of electric power that would otherwise be subject to taxation under paragraph I in accordance with this paragraph. If a municipality exempts any such property from taxation, the exemption shall apply to all owners of such property within the municipality.

(b) The governing body of each municipality shall make the determination to exempt from taxation so much of the equipment for the generation and production of electric power and for such a term of years as the governing body determines will attract new construction of electric generation facilities, retain existing electric generation facilities, or foster economic development.

(c) Such determination, including but not limited to the fair market value of the equipment exempted, the term of the exemption, any agreement for payment of taxes, and/or any agreement for payment in lieu of taxes, shall be subject to approval of the legislative body of the municipality.

(d) Any portion of personal property exempted under the provisions of this paragraph from taxation for a term of years shall be deemed subject to local property taxation for purposes of the utility property tax imposed by RSA 83-F on utility property as defined in RSA 83-F:1, V.

Further, the proposed bill contains a statement of purpose that

[i]n order to further the state's policy of promoting the development of a competitive electric supply market in New Hampshire and to give municipalities the ability to attract new electric generation facilities and retain existing generation facilities that have become subject to the economic pressures of a deregulated market, the general court believes that it is desirable to give municipalities the authority to exempt from taxation certain personal property that is used in the manufacture of electricity.

Thus, the essence of this bill is to allow a municipality to exempt from local property tax assessments certain property of the electric utilities located within its jurisdiction. The authority to grant an exemption, however, expires in July 2004. Further, utilities would still be subject to a utility property tax assessed on the State-wide level. See Laws 1999, 303:3, :4.

Your first question asks whether the provisions of HB 536 "violate constitutional requirements of uniformity and equality governing the assessment and collection of property taxes and the constitutional prohibition against authorizing gifts to corporations organized for profit, as provided by part II, article 5 of the New Hampshire constitution?" We answer both parts of this question in the negative.

Part II, Article 5 endows the general court with the power

to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions . . . so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state,

. . . and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state;

. . . provided that the general court shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits.

Part II, Article 5 thus "requires that all taxes be proportionate and reasonable, equal in valuation and uniform in rate, and just." Opinion of the Justices (Property Taxation of Tel. Poles), 142 N.H. 102, 107, 697 A.2d 125, 129 (1997) (quotation omitted). Although "exemptions necessarily result in a disproportionate tax burden on the remaining property in the taxing district," the legislature possesses broad discretion to select certain property for taxation while exempting other property. Opinion of the Justices (School Financing), 142 N.H. 892, 900, 712 A.2d 1080, 1086 (1998). Exemptions are constitutional if they are supported by just reasons, "and thereby reasonably promote some proper object of public welfare or interest." Id. (quotation omitted).

We conclude that HB 536 is supported by just reasons and that the legislature has acted properly in promoting the public interest. The stated purpose of the legislation is to foster competition in the electric utility industry. Deregulation of this industry is a matter of great public and legislative concern, see RSA ch. 374-F (Supp. 1999), and the legislature has recognized competition and consumer choice as providing a "compelling reason to restructure the New Hampshire electric utility industry." RSA 374-F:1, I. HB 536 is tailored to meet this end by providing for a tax exemption where competitive pressures and concerns for local economic growth warrant such an exemption. Cf. Claremont School Dist. v. Governor, 143 N.H. , , A.2d , (decided October 15, 1999) (court will strike down legislation "when the means employed to effect a tax exemption failed to comport with the articulated justification"). Further, the bill authorizes municipalities to grant an exemption "for such a term of years as the governing body determines will

. . . foster economic development." HB 536(2) (proposed RSA 72:8, II(b)). It is well-established that the legislature's discretion to

act in furtherance of the general welfare includes fostering economic growth. See, e.g., Opinion of the Justices (Mun. Tax Exemptions for Indus. Constr.), 142 N.H. 95, 100, 697 A.2d 120, 123 (1997). "[W]e leave matters of public policy to the legislature and do not concern ourselves with the wisdom and practicality of proposed legislation." Opinion of the Justices (School Financing), 142 N.H. at 900, 712 A.2d at 1086 (quotation omitted). Because we conclude that the exemption is supported by just reasons, it does not violate the uniformity requirement of Part II, Article 5.

The Towns of Bow and Newington assert that the bill is constitutionally deficient because utility property tax rates will vary from town to town depending on a utility's ability to convince a municipality to grant the exemption. Uniformity and equality are satisfied where the tax imposed is uniform and equal within each taxing district. See Opinion of the Justices, 115 N.H. 228, 231, 338 A.2d 553, 555 (1975). Encompassed within its broad taxation powers, the legislature has the authority to grant each town and municipality the power to choose whether to create a local tax exemption. Opinion of the Justices (Mun. Tax Exemptions for Indus. Constr.), 142 N.H. at 100, 697 A.2d at 124.

No unconstitutional delegation of authority results when the legislature establishes the terms of a general act, but leaves the determination of whether it shall have the force of law to the governing bodies of the localities to be affected or to the people themselves. Constitutionally mandated requirements for uniformity and equality of taxation would not be violated should less than all cities and towns adopt the optional exemptions provided by the bill, with a resulting uneven system of taxation.

Id. at 100-01, 697 A.2d at 124 (citation and quotations omitted). The terms of the bill mandate that "[i]f a municipality exempts any such property from taxation, the exemption shall apply to all owners of such property within the municipality." HB 536(2) (proposed RSA 72:8, II(a)). Thus, the rate within each taxing district would be uniform for all utility property subject to the local property tax. Accordingly, the constitutional mandate of uniformity and equality is satisfied. See, e.g., Opinion of the Justices (Mun. Tax Exemptions for Indus. Constr.), 142 N.H. at 101, 697 A.2d at 124 (tax exemption for construction of industrial uses satisfies uniformity where bill provides that once a municipality adopts the exemption, it must be applicable to all who qualify within the taxing district).

Finally, question one inquires whether the bill violates "the constitutional provision against authorizing gifts to corporations organized for profit, as provided by part II, article 5 of the New Hampshire constitution?" It is suggested in some of the memoranda that despite the stated intent of the proposed statute, this legislation was intended to benefit only one utility, which plans to locate in New Hampshire, by giving it a competitive advantage over the established utilities in this State. "We cannot resolve such factual issues in rendering advisory opinions on legal questions . . . [and] [t]herefore confine our analysis to the facial validity of the bill[]

. . . ." Opinion of the Justices (Property Taxation of Tel. Poles), 142 N.H. at 107, 697 A.2d at 128 (citations omitted); see Opinion of the Justices (School Financing), 142 N.H. at 898, 712 A.2d at 1084. Part II, Article 5 limits the "legislative power to authorize gifts by towns to corporations organized for profit. It does not extend to the authority of the Legislature by its own act to provide a uniform exemption." Opinion of the Justices, 95 N.H. 548, 551, 65 A.2d 700, 701 (1949); see Opinion of the Justices (Mun. Tax Exemptions for Indus. Constr.), 142 N.H. at 101, 697 A.2d at 124. On its face, HB 536 makes the exemption available to all utility property currently located within the State in order to foster increased competition and local economic growth, and does not authorize a direct loan or grant of public funds to a private corporation solely for that corporation's private profit. Therefore, we likewise answer the remainder of question one in the negative.

Question two inquires whether HB 536 "violate[s] the constitutional provision that government is instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men under part I, article 10 of the New Hampshire constitution?" We answer this question in the negative.

Part I, Article 10 provides:

Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

This provision of our constitution has commonly been regarded as enumerating a citizen's right to reform an ineffectual or manifestly corrupt form of government. See City of Claremont v. Craigie, 135 N.H. 528, 533-34, 608 A.2d 866, 869 (1992); Nelson v. Wyman, 99 N.H. 33, 50, 105 A.2d 756, 770 (1954). We have recognized for over one hundred years, however, that this

provision is imbued with "[t]he principle of equality [that] pervades the entire constitution," State v. Pennoyer, 65 N.H. 113, 114, 18 A. 878, 879 (1889), and as such, Article 10 provides support for the maxim that "[t]he law cannot discriminate in favor of one citizen to the detriment of another." Id. Thus, Part I, Article 10 has been recognized as providing for more than a "right of revolution"; rather, it is one of many provisions in our Bill of Rights that forms the basis for a citizen's right to equal protection. See, e.g., Town of Chesterfield v. Brooks, 126 N.H. 64, 67, 489 A.2d 600, 602 (1985) (zoning ordinance violated equal protection rights guaranteed by Part I, Articles 1, 2, 10, 12, and 14); Gazzola v. Clements, 120 N.H. 25, 29, 411 A.2d 147, 151 (1980) (statute violated equal protection rights guaranteed by Part I, Articles 1, 10, 12, and 14).

Pursuant to the principle of equality inherent in Article 10, this court found that the raising of tax revenue to aid an electric utility would violate Part I, Article 10's mandate that government is "instituted for the common benefit . . . of the whole community, and not for the private interest or emolument of any one man, family, or class of men." Opinion of the Justices, 88 N.H. 484, 489, 190 A. 425, 429 (1937).

Aid to a utility is forbidden except in protection of the public welfare and interest. And the protection must be in a needed service furnished the public by the utility as a condition of the aid. Without the condition the protective principle is inapplicable. Unconditional aid is not a proper charge of government to be met by the taxpayers.

Id. at 488-89, 190 A. at 428. The court noted that the existing public utilities already provided sufficient power to service State customers, and that any additional supply was sent out-of-state. Id. at 489, 190 A. at 429. The court reasoned that because the transmission of additional electric energy outside the State served no public purpose, and thus the need for public funds for additional development was a private, not public, purpose, the proposed aid was unconstitutional. Id.

In this case, however, the legislature is proposing to create a tax exemption, rather than directly raising tax revenue to subsidize private purposes. Cf. Opinion of the Justices (Mun. Tax Exemptions for Indus. Constr.), 142 N.H. at 101, 697 A.2d at 124 (finding determinative under Part II, Article 5 that there was not direct expenditure, but rather a uniform exemption of state-wide application). Moreover, even if one views an exemption as simply a form of direct grant, see Evers Woolen Co. v. Gilsum, 84 N.H. 1, 9, 146 A. 511, 515 (1929) (exemptions are "in effect, a compulsory payment of money, by those who bear their shares of the common burden, to the privileged person who does not bear his share"), the public benefit gained by this legislation is sufficient to render it constitutional. Our constitution does not require absolute equality of burden in the case of exemptions. "The resulting inequality or discrimination against unexempted property is not fatal to the constitutionality of the exemption," Opinion of the Justices, 87 N.H. 490, 491, 178 A. 125, 126 (1935), provided "it advances a public purpose," Opinion of the Justices, 95 N.H. at 550, 65 A.2d at 701, and is "properly within the legislature's discretion in acting for the welfare of the state," Opinion of the Justices, 87 N.H. at 491, 178 A. at 126. As stated above, the benefit to be gained by HB 536 is increased competition and customer choice, and not necessarily the need for additional power. Further, deregulation of the electric utility industry is "properly within the legislature's discretion in acting for the welfare of the state," id., and it is proper for the legislature to enact exemptions that promote the economic well-being of the State, see Opinion of the Justices (Mun. Tax Exemptions for Indus. Constr.), 142 N.H. at 100, 697 A.2d at 123. Accordingly, the tax exemption is properly granted under the legislature's "constitutional power to provide for the common benefit, protection and security," Opinion of the Justices, 88 N.H. at 487, 190 A.2d at 428, and does not violate Part I, Article 10.

To the extent that question two implicates additional equal protection guarantees under Part I, Article 10, cf. Gazzola, 120 N.H. at 29, 411 A.2d at 151, we conduct our analysis concurrently with the next question you posed; namely, whether HB 536 improperly classifies taxable property such that the burden of taxation is inequitably distributed, cf. Rosenblum v. Griffin, 89 N.H. 314, 320-21, 197 A. 701, 706 (1938) (constitutional issue of classification decided under Part I, Article 10). For the reasons stated below, this part of question two is answered in the negative.

Question three asks whether "the classification of taxable property provided for in HB 536 as amended [is] based on a reasonable distinction which promotes a proper object of public welfare and does not require any taxpayer to pay more than his or her fair share of the tax burden as required by part I, article 12 of the New Hampshire constitution?" We answer question three in the affirmative. Part I, Article 12 provides in part: "Every member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection, and to yield his personal service when necessary."

The legislature possesses broad authority to classify property as taxable and non-taxable and grant reasonable exemptions from taxation. Opinion of the Justices, 87 N.H. at 491, 178 A. at 126. "In the selective process of classifying certain property for taxation and exempting other property the Legislature has a wide discretion which will be sustained provided just reasons exist for the selection made." Opinion of the Justices, 95 N.H. at 550, 65 A.2d at 701 (quotation omitted). Thus, in order to pass constitutional muster, the legislature must have "just reasons" for creation of the exempt class, see Opinion of the Justices, 105

N.H. 22, 24, 192 A.2d 22, 23 (1963), and "[i]n this context, a just reason is the equivalent of a reasonable or rational basis," Smith v. N.H. Dep't of Revenue Admin., 141 N.H. 681, 687, 692 A.2d 486, 491 (1997) (brackets and quotations omitted); see Cagan's, Inc. v. Dep't of Rev. Admin., 126 N.H. 239, 245, 490 A.2d 1354, 1359 (1985). "Equal protection permits classifications that are reasonable and not arbitrary and have a rational relation to the public purpose sought to be achieved by the legislation involved." Opinion of the Justices (Current Use Reimbursement Program), 137 N.H. 270, 277, 627 A.2d 92, 96 (1993). Therefore, "[a] reasonable classification which is sufficiently inclusive to constitute a distinctive class will be upheld," Smith v. N.H. Dep't of Revenue Admin., 141 N.H. at 687, 692 A.2d at 491, as long as "the proposed selection is not arbitrarily made or for the sole purpose of preferring some taxpayers to others," Opinion of the Justices (Mun. Tax Exemptions for Indus. Constr.), 142 N.H. at 99, 697 A.2d at 123 (quotation omitted); see Opinion of the Justices (Current Use Reimbursement Program), 137 N.H. at 275, 627 A.2d at 96. Further,

[t]he basic principle that all taxpayers shall share the public expense equally is not violated by a legislative exemption of a certain class of property from taxation, in whole or in part, provided the exemption serves the general welfare. The classification must not be arbitrary, but must reasonably promote some proper object of public welfare or interest.

Opinion of the Justices (Mun. Tax Exemptions for Indus. Constr.), 142 N.H. at 99, 697 A.2d at 123 (quotations, ellipsis, and citations omitted).

We first address whether there is a just reason for the legislature to allow municipalities to exempt the class of utility property set forth in HB 536. Again, we limit our analysis to the facial validity of the bill's classification of non-taxable property for purposes of this advisory opinion. Opinion of the Justices (Property Taxation of Tel. Poles), 142 N.H. at 107, 697 A.2d at 128. The stated purpose of the bill is to promote "the development of a competitive electric supply market in New Hampshire and to give municipalities the ability to attract new electric generation facilities and retain existing generation facilities that have become subject to the economic pressures of a deregulated market." In furtherance of this goal, HB 536 authorizes each municipality to "exempt from taxation so much of the equipment for the generation and production of electric power . . . as [it] determines will attract new construction of electric generation facilities, retain existing electric generation facilities, or foster economic development." HB 536(2) (proposed RSA 72:8, II(b)) (emphasis added). Once a municipality has granted an exemption under this provision, it must apply to all like property within the municipality. See HB 536(2) (proposed RSA 72:8, II(a)).

The exemption of electric utility property, whether new or existing, is rationally related to the public purpose of increased competition by making it attractive for new producers to locate in this State, while relieving existing producers of the burden that increased competition may pose where the municipality determines that the exemption is necessary to further the stated public purpose. In addition, fostering economic development is a just reason for providing limited tax exemptions. See Opinion of the Justices (Mun. Tax Exemptions for Indus. Constr.), 142 N.H. at 100, 697 A.2d at 123. Accordingly, because the class of property is sufficiently inclusive and distinct, and bears a rational relation to the stated public purpose, we find no violation of Part I, Article 12.

Further, because we conclude that on its face HB 536 does not improperly classify non-taxable property, and having concluded above that the proposed exemption serves the general welfare, we answer the remaining part of question two in the negative, and question three in the affirmative.

We have consistently stated that in rendering an advisory opinion, we are limited to assessing the legality of any bill in a vacuum, and as such, can neither predict nor decide every issue that may be raised in any future adversarial proceeding. See, e.g., Opinion of the Justices, 112 N.H. 42, 46, 288 A.2d 697, 700 (1972). Our task today is merely to determine whether HB 536 satisfies the constitutional mandates of Part I, Articles 10 and 12, and Part II, Article 5. We conclude that on its face, the requirements of those constitutional provisions have been met.

David A. Brock

William R. Johnson

W. Stephen Thayer, III

Sherman D. Horton, Jr.

John T. Broderick, Jr.

December 7, 1999

Upton Sanders & Smith, of Concord (Robert Upton II on the memorandum), filed a memorandum on behalf of the Towns of Bow and Newington in support of affirmative answers to questions one and two and a negative answer to question three.

McLane, Graf, Raulerson & Middleton, P.A., of Concord (Gregory H. Smith & a. on the memorandum), filed a memorandum on behalf of AES Londonderry in support of negative answers to questions one and two and an affirmative answer to question three.

Representative Jeb E. Bradley, of Concord, filed a memorandum in support of negative answers to questions one and two and an affirmative answer to question three.

Executive Councilor Thomas P. Colantuono, of Derry, filed a memorandum in support of affirmative answers to questions one and two and a negative answer to question three.

Londonderry Neighborhood Coalition, of Londonderry, filed a memorandum opposing the proposed legislation.

Joseph S. Haas, Jr., of Ashland, filed a memorandum on the questions.

HOUSE BILLS AMENDED BY THE SENATE

HB 615-FN-A, establishing a registry for brain and spinal cord injuries. (SJ 29)

HB 625-FN-A, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills. (SJ 30)

COMMITTEE OF CONFERENCE

HB 346-FN-A, relative to permissible fireworks. (Reps. Welch, Hunter, Mikowski and Vaillancourt; Sens. D'Allesandro, Disnard and Johnson)

LAID ON TABLE

CACR 12, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years.

CACR 21, relating to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral.

HB 116-FN-A-L, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor.

HB 536, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. (awaiting Supreme Court Opinion)

HB 549-L, relative to the minimum vote required for bond issues by municipalities.

HB 550-L, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting.

HB 612-FN, relative to compensation paid to jurors.

HB 695-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a limited income.

HB 703-FN-A-L, establishing a regional youth center pilot program in the city of Nashua.

HR 10, affirming revenue estimates for fiscal years 1999, 2000, and 2001.

COMMITTEE MEETINGS

MONDAY, DECEMBER 13

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), Room 103, State House

9:00 a.m. Regular meeting.

COMMISSION ON EARLY CHILDHOOD EDUCATION (HB 532, Chapter 135:3, Laws of 1999), Room 207, LOB

9:30 a.m. Regular meeting.

DEVELOPMENTAL DISABILITY WAITLIST FUND ALLOCATION OVERSIGHT COMMITTEE, (RSA 171-A:1-b), Room 205, LOB

10:00 a.m. Regular meeting.

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

USES OF THE WHITE MOUNTAIN NATIONAL FOREST STUDY (HB 431, Chapter 142:2, Laws of 1999), Room 103, State House

3:00 p.m. Regular meeting.

TUESDAY, DECEMBER 14

FEDERAL WELFARE REFORM ON THE CITIES AND TOWNS OF NEW HAMPSHIRE IMPACT STUDY (SB 14, Chapter 94:2, Laws of 1999), Room 102, LOB

10:00 a.m. Regular meeting.

PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 103, State House

1:00 p.m. Regular meeting.

WEDNESDAY, DECEMBER 15

ADEQUATE EDUCATION AND EDUCATION FINANCING COMMISSION (RSA 198:49), Rooms 210-211, LOB

10:00 a.m. Regular meeting.

CHILDREN AND FAMILY LAW, Room 206, LOB

9:30 a.m. Subcommittee work session on juvenile justice issues.

FIELD ACTIVITIES CONDUCTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATIVE TO CHILDREN, YOUTH AND FAMILIES STUDY (SB 65, Chapter 29:2, Laws of 1999), Room 103, State House

1:30 p.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

1:00 p.m. Executive session on Claremont-related CACRs.

HEALTH CARE QUALITY STUDY (HB 624, Chapter 114:3, Laws of 1999), Room 308, LOB

10:00 a.m. Regular meeting.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

1:15 p.m. Presentation by the Department of Health and Human Services on 5-Year Behavioral Health Plan.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13), Room 205, LOB

9:30 a.m. Presentation by the Department of Health and Human Services on NH Long-Term Care Plan.

UPDATING NEW HAMPSHIRE LAWS RELATED TO FENCES STUDY, (HB 1154, Chapter 62:1, Laws of 1998), Room 301, LOB

1:30 p.m. Regular meeting.

THURSDAY, DECEMBER 16

SULLIVAN COUNTY REGIONAL REFUSE DISPOSAL DISTRICT (HB 379, Chapter 201:2, Laws of 1999), Room 301, LOB

10:00 a.m. Regular meeting.

SUPERIOR COURT JUSTICES STUDY (SB 209, Chapter 329:2, Laws of 1999), Room 104, LOB

9:00 a.m. Regular meeting.

FRIDAY, DECEMBER 17

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

TUESDAY, DECEMBER 21

ELECTRIC UTILITY RESTRUCTURING OVERSIGHT COMMITTEE (RSA 374-F:5), Rooms 302-304, LOB

10:00 a.m. Regular meeting.

WEDNESDAY, DECEMBER 22

RULES COMMITTEE, Room 201, LOB

1:00 p.m. Public hearing.

Executive session to follow.

TUESDAY, JANUARY 4, 2000

UPGRADE OF ROUTES 11 AND 140 STUDY (HB 541, Chapter 145:1, Laws of 1999), Room 201, LOB

10:00 a.m. Regular meeting.

FRIDAY, JANUARY 7

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 306, LOB

9:00 a.m. Rescheduled regular meeting.

MONDAY, JANUARY 10

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Complaint hearings.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

REDUCING VIOLENT INCIDENTS INVOLVING CHILDREN AND GUNS STUDY, (SB 163, Chapter 322:2. Laws of 1999), Rooms 202-204, LOB

1:30 p.m. Regular meeting.

FRIDAY, JANUARY 28

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), Room 205, LOB

1:00 p.m. Regular meeting.

MONDAY, JANUARY 31

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

The Cheshire County Executive Committee will meet at 7:00 p.m. on Monday, December 13th at the Jury Room, Cheshire County Courthouse for budget review and special budget requests.

Rep. Stephen G. Avery, Chairman

Cheshire County Executive Committee

COUNTY DELEGATION NOTICE

The Cheshire County Delegation will meet at 7:30 p.m. on Monday, December 13th at the Jury Room, Cheshire County Courthouse, to receive the Commissioners proposed budget and to take up any other business.

Rep. John M. Pratt, Chairman

Cheshire County Delegation

COUNTY DELEGATION NOTICE

There will be a meeting of the Merrimack County Executive Committee at 9:30 a.m. on Monday, December 13th in the lower level conference room of the McDonnell Building. The purpose of the meeting is to review the proposed 2000 county budget and any other business that may appropriately come before them.

Rep. Ray F. Langer, Chairman

Merrimack County Executive Committee

COUNTY DELEGATION NOTICE

There will be a public hearing on the 2000 proposed county budget before the Merrimack County Delegation at 10:00 a.m. on Monday, December 13th in the lower level conference room of the McDonnell Building. The Delegation will meet immediately following the public hearing.

Rep. David W. Hess, Chairman

Merrimack County Delegation

COUNTY DELEGATION NOTICE

Members of the Rockingham County Delegation can pick up their copy of the Rockingham County Directory of county and town officers from their mailboxes in Representatives Hall.

Rep. David A. Welch, Clerk

Rockingham County Delegation

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

NH Senators and Representatives may receive complimentary ski privileges at Cannon Mountain for themselves and one guest upon presentation of proper credentials at the ticket window. The elected official must be present to personally present the credentials unless prior arrangement has been made with Commissioner George Bald at the Department of Resources and Economic Development. (*Lift tickets are to be picked up at Guest Services or the ticket Window at Cannon Mountain.*)

Rep. Gene G. Chandler

The Governor's Lilac and Wildflower Commission exhibit is on display in the Visitors' Center of the State House through the holidays.

Rep. Francine Wendelboe

Applications are available for the New Hampshire Order of Women Legislators Scholarship. Your constituents may pick them up in their college's financial aid office or you may get them from the House Secretarial Services Office on the 4th floor of the LOB. New Hampshire residents who are obtaining transitional education in their field of endeavor toward a field of public service are eligible. All pertinent information is included in the scholarship application.

Rep. Janet S. Arndt

Legislators are cordially invited to attend meetings of the Citizens for Inheritance Tax Equity (CITE). Meetings are held on the first Tuesday of each month at the Nashua Public Library at 7:00 p.m. Please join us for a discussion of the Legacies and Succession Tax, RSA 86.

Rep. Paul A. McGuirk

The Capital Information Exchange Group will meet December 14th in Room 306, LOB at 8:30 a.m. For more information contact Rep. Gilman.

Rep. G. Michael Gilman

The Legislative Caucus for Young Children will meet in Room 206, LOB on Tuesday, December 14th, 10:00 a.m. to 2:00 p.m. All legislators are welcome and should bring a bag lunch.

Rep. Rebecca C. Hutchinson

The Main Street Republican Caucus will meet Tuesday, December 14th in Room 301, LOB at 9:00 a.m. We encourage fellow Republicans to attend.

Rep. Richard C. Leone

There will be a meeting of the Democratic Caucus Committee on Guest Speakers to review a draft policy statement on Tuesday, December 14th at 1:00 p.m. in Room 306, LOB. All House Democrats are invited to attend.

Rep. Paul A. McGuirk

The Department of Transportation will hold the following meetings:

Dec 13 – Town Hall Conference Room, 10 Bridge Street, Colebrook, 7:00 p.m. Public officials meeting, Colebrook, replacement of NH 26 bridge.

Dec 14 – Oyster River Middle School Café, 1 Coe Drive, Durham, 7:00 p.m. Combined public officials informational meeting, Durham, rehabilitation of pavement on US4/Back River Road.

Dec 15 – Executive Council Office, State House, Concord, 12:30 p.m. (following Governor and Council Meeting). Commission meeting on Ten Year Transportation Program, Governor's Advisory Commission on Intermodal Transportation (GACIT).

Dec 16 – Wolfeboro Town Hall, 84 South Main Street, Wolfeboro, 7:00 p.m. Public informational meeting, Wolfeboro, rehabilitation and widening of NH 28/NH 109 bridge over Smith River.

Dec 16 – NHDOT, 1 Hazen Drive, Room 103, Concord, 10:00 a.m. Commission meeting, Enfield, alterations to Main Street.

Dec 20 – New Castle Town Hall, 49 Main Street, New Castle, 7:00 p.m. Public officials/public informational meeting, New Castle-Rye, Paint Bridge: NH 1-B over Little Harbor (at Wentworth-by-the-Sea).

Dec 20 – Northfield Town Hall, 21 Summer Street, Northfield, 7:00 p.m. Public hearing commission, Northfield-Tilton, NH Route 132 (Park Street).

Rep. Edwin O. Smith, Chairman

Public Works and Highways

Schedule of schools and other groups visiting the State House in December, 1999.

Please contact the Visitors' Center for further information. Thank you for your continued participation with your School Visitation Program.

Starting November 29th, Jonathan Woodbury will begin employment with the Visitors' Center, stop by and welcome him aboard.

Kenneth Leidner, Director

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
Dec 13	9:30 & 11:00	Lincoln Street Elem – Exeter	4/60
Dec 14	9:30 & 11:00	Lincoln Street Elem – Exeter	4/60
Dec 16	9:30 & 11:00	Lincoln Street Elem – Exeter	4/60
Dec 17	9:30 & 11:00	Kearsarge Memorial- New London	7/90
Dec 20	11:00 & 12:30	Cutler Elem – West Swanzey	4/65
Dec 21	9:30 & 11:00	Allenstown Elem	4/75